



July 12, 2006

HARMAN STATEMENT ON OXLEY RESOLUTION

Emphasizes “any intelligence program – no matter how critical to national security – must comply with the law and the Constitution”

WASHINGTON D.C. -- Rep. Jane Harman (D-Venice), Ranking Member on the House Intelligence Committee, today delivered the following statement on the House floor in opposition to the Oxley amendment:

“I rise to oppose this resolution, and to support a more responsible alternative, which, unfortunately, is not made in order for debate.

“There is not a single Member of this body who thinks tracking terrorist finances is a bad idea. As the 9/11 Commission said, ‘follow the money.’

“But any intelligence program – no matter how critical to national security – **MUST** comply with the law and the Constitution. The Supreme Court ruled today in the Hamdan case that no President has unlimited powers. No President is above the law, even in matters of national security.

“Although this program has been operating for over four years, virtually no one in this House knew about it and there has been absolutely no oversight. Two Members were briefed in 2002 when the program began, one Member in 2003, two in 2005 – for a total of five – and several dozen more – including me – last month only **AFTER** it became clear that the program had leaked.

“The **ONLY** reason I and others were briefed is the Administration wanted to stay ahead of the press curve.

“Mr. Speaker, if you vote for the Oxley Resolution, you are certifying that the program is in full compliance with all applicable law. As previous speakers have pointed out, the second finding of the Resolution states:

...the ... Program has been conducted in accordance with all applicable laws, regulations, and Executive Orders, ... appropriate safeguards and reviews have been instituted to protect individual civil liberties, and ... Congress has been appropriately informed and consulted

“How can you know this? I don’t know this. No Member has been briefed more than once. No hearings have been held and no reports issued.

“Moreover, I fear this White House will use a “yes” vote as authorization for further programs – scope unknown.

“Mr. Speaker, I won’t go there.

“Remember the Authorization to Use Military Force in Afghanistan? Until today, and the Hamdan decision, the White House has been using that vote to support unlimited detention as well as the NSA Program.

“There are some legitimate issues raised by this resolution. Leaks can get people killed. Those who leak highly sensitive intelligence information can damage our national security. The Resolution many of us WANTED to offer makes this clear. But if we prosecute newspapers and erode the First Amendment, we’ll end up killing our Constitution.

“In May, the House Intelligence Committee held open hearings on the role and responsibilities of the media in national security. We received over 25 submissions for the record, and the overwhelming sentiment was to tread lightly on action that could chill our First Amendment freedoms.

“As I said in that hearing, if anyone wants to live in a society where journalists are thrown in prison, I encourage them to move to Cuba, China or North Korea – and see if they feel safer.

“This resolution asks Congress to give the Administration another blank check. It is unworthy.”